



STATE OF RHODE ISLAND AND PROVIDENCE PLANTATIONS

Rhode Island State Labor Relations Board

Building 73
1511 Pontiac Avenue
Cranston, Rhode Island 02920-4407
Website: www.dlt.state.ri.us/lrb

OPEN MINUTES BOARD MEETING

TIME: 9:00 a.m.
DATE: Tuesday, February 28, 2006
PLACE: 1511 Pontiac Ave., Building #73, 3rd Floor, Cranston, RI 02920

BOARD MEMBERS IN ATTENDANCE: Walter J. Lanni, Chairman
John R. Capobianco
Frank J. Montanaro
Ellen L. Jordan
Elizabeth Dolan
Joseph V. Mulvey

BOARD MEMBER ABSENT: Gerald S. Goldstein

OTHERS PRESENT: Robyn H. Golden, Administrator
Linda L. Esposito, Secretary
Margaret Hogan, Esquire

Chairman Lanni called the meeting to order in Open Session at 9:20 a.m.

All members present reviewed the Open Minutes of the December 13, 2005. A Motion was made by John Capobianco and seconded by Frank Montanaro to accept the Open Minutes as written, and it was unanimously

VOTED: by all Board Members to accept the minutes as written.

The meeting continued in open session:

ELECTION PETITIONS:

- 1 Case No. EE-3683
Exeter Fire District/Exeter Rescue Corporation & IAFF

Frank Montanaro recused himself from participating in this case

After review of the informal notes and attachments, a Motion was made by Joseph Mulvey and seconded by John Capobianco to proceed to formal hearing on this matter. After discussion, all participating Board Members present voted in favor of the Motion.

2. Case No. EE-3688
Marion J. Mohr Memorial Library & United Services and Allied Workers of RI (USAW)

After review of the informal notes and attachments, a Motion was made by Joseph Mulvey and seconded by John Capobianco to proceed to formal hearing on this matter. After discussion, all Board Members present voted in favor of the Motion.

ACCRETION PETITIONS:

- 1 Case No. EE-3575
State of RI, Department of Health & Professional Staff Association/NEARI
Motion to Consolidate/Amend

After review of the Motion to Consolidate and Motion to Amend filed by the Employer, a Motion was made by Frank Montanaro and seconded by Joseph Mulvey to deny the Motion to Consolidate regarding the four (4) Unit Clarification requests filed by the Union, and to grant the Motion to Amend the petition to accurately reflect the number of employees in the existing bargaining unit and the number of employees in proposed unit. After discussion, all Board Members present voted in favor of the Motion.

TRANSFER PETITIONS:

- 1 Case No. EE-3648
Central Falls Housing Authority & Teamsters Local 64 & RI Council 94, AFSCME

After review of the Consent Agreement and Affidavit executed and presented by the parties, a Motion was made by Frank Montanaro and seconded by Joseph Mulvey to accept the petition filed for the Transfer of Bargaining Units between National Organizations – Change of Jurisdiction. After discussion, all Board Members present voted in favor of the Motion. Staff will contact Gerald Goldstein to ascertain his vote in

this matter.

Staff contacted Gerald Goldstein for his vote in this matter. Mr. Goldstein voted in favor of the motion. Motion passed.

CONCLUDED CASES:

- 1 Case No. ULP-5744
City of Cranston & International Brotherhood of Teamsters, Local 251

This case was heard formally by Joseph Mulvey, John Capobianco, Gerald Goldstein, Elizabeth Dolan and Ellen Jordan. Walter Lanni and Frank Montanaro reviewed the transcript and briefs, as well as the evidence submitted therein.

After review, a Motion was made by Joseph Mulvey and seconded by John Capobianco to uphold the charge and find that an Unfair Labor Practice has been committed by the Employer. After discussion, Walter Lanni and Frank Montanaro voted in favor of the Motion. Ellen Jordan and Elizabeth Dolan voted against the Motion. Staff will contact Gerald Goldstein to ascertain his vote in this matter.

Staff contacted Gerald Goldstein for his vote in this matter. Mr. Goldstein voted against the motion. Motion passed.

2. Case No. ULP-5750
Woonsocket School Department & RI Council 94, AFSCME, AFL-CIO

This case was heard formally by Walter Lanni, Joseph Mulvey, John Capobianco, Gerald Goldstein, Elizabeth Dolan and Ellen Jordan. Frank Montanaro reviewed the transcript and briefs, as well as the evidence submitted therein.

After review, a Motion was made by Elizabeth Dolan and seconded by Ellen Jordan to dismiss the charge and find that an Unfair Labor Practice has not been committed by the Employer. After discussion, Walter Lanni voted in favor of the Motion. Joseph Mulvey, John Capobianco, and Frank Montanaro voted against the Motion. Staff will contact Gerald Goldstein to ascertain his vote in this matter.

Staff contacted Gerald Goldstein for his vote in this matter. Mr. Goldstein voted in favor of the motion. Motion passed.

3. Case No. ULP-5768
City of East Providence & United Steelworkers of America

This case was heard formally by Walter Lanni and Joseph Mulvey. Frank Montanaro, John Capobianco, Gerald Goldstein, Elizabeth Dolan and Ellen Jordan reviewed the transcript and briefs, as well as the evidence submitted therein.

After review, a Motion was made by Elizabeth Dolan and seconded by Joseph Mulvey to uphold the charge and find that an Unfair Labor Practice has been committed by the Employer. After discussion, all Board Members present voted in favor of the Motion.

Staff will contact Gerald Goldstein to ascertain his vote in this matter.

Staff contacted Gerald Goldstein for his vote in this matter. Mr. Goldstein voted in favor of the motion. Motion passed.

**4. Case No. ULP-5759
Town of North Smithfield & RI Council 94, AFSCME, AFL-CIO**

This case was heard formally by Walter Lanni, Frank Montanaro, John Capobianco, and Elizabeth Dolan. Joseph Mulvey, Gerald Goldstein and Ellen Jordan reviewed the transcript and briefs, as well as the evidence submitted therein.

After review, a Motion was made by Elizabeth Dolan and seconded by Ellen Jordan to dismiss the charge and find that an Unfair Labor Practice has not been committed by the Employer. After discussion, Walter Lanni, Joseph Mulvey, Frank Montanaro and John Capobianco voted against the Motion. Motion failed. A Motion was made by John Capobianco and seconded by Frank Montanaro to uphold the charge and find that an Unfair Labor Practice has been committed by the Employer. Walter Lanni and Joseph Mulvey voted in favor of the Motion. Elizabeth Dolan and Ellen Jordan voted against the Motion. Staff will contact Gerald Goldstein to ascertain his vote in this matter.

Staff contacted Gerald Goldstein for his vote in this matter. Mr. Goldstein requested that the record reflect that he voted in favor of the motion to dismiss; and in regard to the Motion to uphold the charge and find that an Unfair Labor Practice has been committed by the Employer, Mr. Goldstein voted against the motion. Motion passed.

DRAFTED DECISIONS:

1. Case No. ULP-5567
RIBCO & Department of Corrections

Gerald Goldstein abstained from voting in this matter.

This case was heard formally by Walter Lanni, Joseph Mulvey, John Capobianco and Gerald Goldstein. Frank Montanaro, Elizabeth Dolan and Ellen Jordan reviewed the transcript and briefs, as well as the evidence submitted therein.

ORDER: 1) The Employer's motion to amend the complaint is granted. 2) The Unfair Labor Practice Charge and Complaint in this matter are hereby dismissed.

After review of the drafted decision, a Motion was made by Frank Montanaro and seconded by John Capobianco to sign the Decision and Order, as written. Elizabeth Dolan and Ellen Jordan signed the Decision and Order as dissenting. After discussion, all participating Board Members present voted in favor of the Motion and did sign the Decision and Order, as written.

2. Case No. ULP-5687
Town of Warren & IBPO

This case was heard formally by Walter Lanni, Frank Montanaro, John Capobianco and Gerald Goldstein. Joseph Mulvey, Elizabeth Dolan and Ellen Jordan reviewed the transcript and briefs, as well as the evidence submitted therein.

ORDER: 1) The Employer is hereby ordered to recognize the Union as the exclusive bargaining representative for the Chief of Police. 2) The Employer is hereby ordered to cease and desist from refusing to bargain with the Union regarding the position of Chief of Police.

After review of the drafted decision, a Motion was made by Joseph Mulvey and seconded by John Capobianco to sign the Decision and Order, as written. Elizabeth Dolan and Ellen Jordan signed the Decision and Order as dissenting. After discussion, all Board Members present voted in favor of the Motion and did sign the Decision and Order, as written. Staff will contact Gerald Goldstein to ascertain his vote in this matter.

Staff contacted Gerald Goldstein for his vote in this matter. Mr. Goldstein voted in favor of the motion, and did sign the Decision and Order, as written; recorded as dissenting.

3. Case No. ULP-5689
State of Rhode Island & RI Council 94, AFSCME, AFL-CIO

This case was heard formally by Walter Lanni, Joseph Mulvey, John Capobianco, Gerald Goldstein and Elizabeth Dolan. Frank Montanaro and Ellen Jordan reviewed the transcript and briefs, as well as the evidence submitted therein.

ORDER: 1) The Employer is hereby ordered to cease and desist from unilaterally changing the conditions of employment of bargaining unit members. 2) The Employer is hereby ordered to post a copy of this decision on all employee bulletin boards within three (3) days after the receipt hereof for a period of no less than thirty (30) days.

After review of the drafted decision, a Motion was made by John Capobianco and seconded by Joseph Mulvey to sign the Decision and Order, as written. Elizabeth Dolan and Ellen Jordan signed the Decision and Order as dissenting. After discussion, all Board Members present voted in favor of the Motion and did sign the Decision and Order, as written. Staff will contact Gerald Goldstein to ascertain his vote in this matter.

Staff contacted Gerald Goldstein for his vote in this matter. Mr. Goldstein voted in favor of the motion, and did sign the Decision and Order, as written; recorded as dissenting.

4. Case No. ULP-5706
Mental Health, Retardation and Hospitals & RI Council 94, AFSCME,
AFL-CIO

A Motion was made by Ellen Jordan and seconded by Elizabeth Dolan to table this matter until the next Board Meeting. After discussion, all Board Members present voted in favor of the Motion.

5. Case No. ULP-5711
State of RI, Business Regulations – Racing & Athletic Division & RI Laborers'
District Council, Local 808

Frank Montanaro abstained from participation in this matter.

Gerald Goldstein abstained from participation in this matter.

This case was heard formally by Walter Lanni, Joseph Mulvey, John Capobianco, Gerald Goldstein, Ellen Jordan and Elizabeth Dolan. Frank Montanaro reviewed the transcript and briefs, as well as the evidence submitted therein.

ORDER: The Employer is hereby ordered to post a copy of this decision and order for a period of thirty (30) days on all employee bulletin boards utilized for employment notices within the Department of Business Regulation.

After review of the drafted decision, a Motion was made by John Capobianco and seconded by Joseph Mulvey to sign the Decision and Order, as written. Elizabeth Dolan and Ellen Jordan signed the Decision and Order as dissenting. After discussion, all participating Board Members present voted in favor of the Motion and did sign the Decision and Order, as written.

MISCELLANEOUS:

- 1 Case No. EE-3438
Town of Smithfield & RI Laborers' District Council, Local 1217
UNIT CLARIFICATION: Deputy Zoning Official

After discussion, all Board Members present determined that this matter should properly move forward through the Unit Clarification investigation process.

2. Case No. EE-3671
CA No. 04-1899
State of RI, Dept. of Human Services, DCYF & NE Health Care
Employees Union (*Superior Court Decision*)

Copies of the Superior Court Decision in this matter were presented to the Board Members for their information and review.

3. Case No. EE-3669
CA No. 05-0976
Town of Scituate, Dept. of Public Works & Teamsters, Local 251
(*Superior Court Decision*)

Copies of the Superior Court Decision in this matter were presented to the Board Members for their information and review.

4. Case No. EE-3398
Lime Rock Fire District & Lime Rock Fire Fighters, IAFF

Matter passed – case withdrawn.

Joseph Mulvey made a Motion for the Board to go into Closed Session for the purpose of reviewing Unfair Labor Practice Charges and Miscellaneous Matters and the minutes to be closed, pursuant to 42-46-5(a)(2)(4) of the Open Meetings Law. It was seconded by Ellen Jordan, and it was unanimously

VOTED: for the meeting to go into closed session and to close the minutes.

The meeting and minutes were closed at 10:40 a.m.

The meeting resumed in open session at 10:40 a.m. for the purposes of reading into the Minutes the determinations made by the Board in Closed Session.

UNFAIR LABOR PRACTICE CHARGES:

1. Case No. ULP-5770
Town of Middletown & Middletown Employees' Association/NEARI

DETERMINATION: issue a Complaint and proceed to formal hearing.

2. Case No. ULP-5781
RI Dept. of Health & NAGE

DETERMINATION: matter dismissed

MISCELLANEOUS MATTERS:

1. Re-appointment of Margaret Hogan, Esquire as Legal Counsel for FY' 06-07

DETERMINATION: that Margaret Hogan, Esquire, has been reappointed as the Board's Legal Counsel for Fiscal Year July 1, 2006 to June 30, 2007.

2. Case No. ULP- 5722
State of RI & NE Health Care Employees Union, District 1199,
Service Employees International Union

DETERMINATION: matter to be tabled to the next monthly Board Meeting.

A Motion to adjourn was made by Elizabeth Dolan, and it was seconded by Ellen Jordan, and it was unanimously,

VOTED: to adjourn the meeting at 11:00 a.m.